

Item-
ML-34. 01-12-2025

WPA 17169 of 2025

sg

Ct. 19

Ashoke Das
Versus
The State of West Bengal & Ors.

Mr. Rameshwar Sinha
Ms. Debanjana Sen
...for the petitioner
Mr. Soumitra Bandyopadhyay
Mr. Sanatan Panja
...for the State

The petitioner claims to be the recorded owner of several plots of land. The petitioner made an attempt to construct a boundary wall encircling his property for the purpose of protection of the property of the petitioner. The petitioner alleges that certain cultivators of the village objected to the construction of boundary wall by the petitioner encircling the aforesaid plot of land. The petitioner submitted representations to the District Magistrate, the concerned Block Land & Land Reforms Officer and the Officer-in-Charge of Ramnagar Police Station, alleging that the private respondents are creating disturbance in the matter of construction of the boundary wall. The petitioner has prayed for issuance of a mandamus directing the respondent authorities to render all fullest cooperation in the matter of raising the boundary wall encircling the property of the petitioner.

The learned Advocate appearing for the petitioner submits that in spite of the representation being submitted before various authorities, such authorities have not taken any steps pursuant to such representation.

Mr. Soumitra Bandyopadhyay, learned Senior Government Advocate, submits that the dispute involved in this writ petition is purely a civil dispute pertaining to a immovable property.

After going through the averments made in the writ petition and the documents annexed thereto, this Court finds that the dispute is with regard to the right of the petitioner to raise a construction encircling certain immovable properties. Such a dispute is purely a civil dispute between the private parties pertaining to an immovable property. Such a dispute cannot be decided in a writ petition. For such reason this Court is not inclined to entertain this writ petition.

Faced with such situation, the learned Advocate for the petitioner prays for leave to withdraw this writ petition with liberty to approach before appropriate forum.

In the light of the submission made by the learned Advocate for the petitioner, WPA 17169 of 2025 stands dismissed as withdrawn with liberty to the petitioner to approach before the proper forum with appropriate relief in accordance with law.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Hiranmay Bhattacharyya, J.)